25

26

27

28

1	RUSS, AUGUST & KABAT
2	Marc A. Fenster, State Bar No. 181067 mfenster@raklaw.com
3	Brian D. Ledahl, State Bar No. 186579 bledahl@raklaw.com
4	Neil A. Rubin, State Bar No. 250761 nrubin@raklaw.com
5	James S. Tsuei, State Bar No. 285530 jtsuei@raklaw.com
6	Peter Tong, State Bar No. 300347 ptong@raklaw.com
7	12424 Wilshire Boulevard, 12th Floor Los Angeles, California 90025
8	Telephone: (310) 826-7474 Facsimile: (310) 826-6991
9	Attorneys for Plaintiff
10	COREPHOTONICS, LTD.
11	
12	UNITED S
13	NORTHERN
14	SAN F
15	
16	COREPHOTONICS, LTD.
17	Plaintiff,
18	VS.
19	
20	APPLE INC.
2021	APPLE INC. Defendant.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

Case No. 3:17-cv-06457-JD (Lead Case) Case No. 3:18-cv-02555-JD

DECLARATION OF ERAN KALI IN SUPPORT OF COREPHOTONICS, LTD.'S RESPONSE IN OPPOSITION TO APPLE INC.'S MOTION TO DISMISS FOR LACK OF STANDING

Courtroom: 11

Before: Hon. James Donato

I, Eran Kali, hereby declare as follows:

- 1. I am the Vice President of Licensing of Corephotonics, Ltd. ("Corephotonics"). I am one of the founders of Corephotonics, and I have been a part of Corephotonics management since its founding. I have personal knowledge of the facts set forth herein, and if called as a witness, could testify competently to the matters herein.
- 2. The two patents currently at issue in this lawsuit, U.S. Patent 9,185,291, and U.S. Patent 9,568,712 (collectively the "patents-in-suit") were both invented by Corephotonics employees and were issued by the U.S. Patent Office to Corephotonics as the original assignee of each of those patents, as reflected on the face of the patents. A true and correct copy of each of these two patents-in-suit is attached hereto as Exhibits A and B.
- 3. Corephotonics has never transferred ownership of the patents-in-suit to any other individual or entity.
- 4. Corephotonics has also never granted any entity or individual an exclusive license to either of the patents-in-suit.

Corephotonics has never granted anyone the exclusive right to make, use, and sell products or services under either of the patents-in-suit.

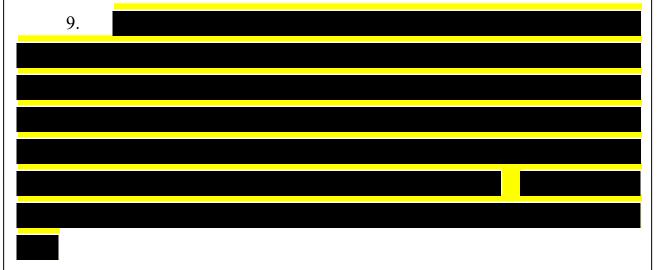
- 5. Corephotonics has never granted any other party the right to sublicense Corephotonics' patents, including the patents-in-suit.
- 6. Corephotonics has never granted any other party the right to bring claims for infringement of any of its patents, or to maintain a lawsuit to enforce any of its patents, including the patents-in-suit. For clarity, Corephotonics has also never

Case 3:17-cv-06457-JD Document 220-1 Filed 01/15/24 Page 3 of 5

FILED UNDER SEAL

granted any Samsung entity any right to bring suit or otherwise enforce any Corephotonics patents, including the patents-in-suit.

- 7. Corephotonics is the only entity that has ever been responsible for paying any patent maintenance fees on the patents-in-suit.
- 8. Corephotonics has never granted any other party an interest in the patents-in-suit, other than a limited, non-exclusive, license to practice the patents within a designated field of use. It has never granted anyone the right to assign such interests.



- 10. I understand that Apple asserts that Corephotonics effectively licensed Samsung Electronics to all of Corephotonics' patents and other intellectual property in the Share Purchase Agreement. This is not true. Neither SEC nor Samsung Benelux had a license to any Corephotonics patent at the time of the closing of the share purchase in January 2019, nor have either of them had a license to any Corephotonics patent since that time.
- 11.

Case 3.17-cv-00457-3D Document 220-1 Filed 01/15/24 Page 4 015
12. At all times since it was formed in 2012 to the present, Corephotonics
has existed as a distinct corporate entity organized and authorized under the laws of
Israel.
13. Corephotonics has never been dissolved as a corporate entity, nor has
it ever been merged into any other corporate entity.
14. The founders of Corephotonics have remained in its management both
before and after the acquisition of Corephotonics' stock, and have continued
throughout its existence to operate Corephotonics as a distinct entity.
I declare under penalty of perjury, under the laws of the United States of
America, that the foregoing is true and correct to the best of my knowledge.
DATED: <u>January 14 2024</u>
Fran Kali

RUSS, AUGUST & KABAT

Case 3:17-cv-06457-JD Document 220-1 Filed 01/15/24 Page 5 of 5

FILED UNDER SEAL

CERTIFICATE OF SERVICE

I certify that counsel of record who are deemed to have consented to electronic service are being served on January 15, 2024, with a copy of this document via the Court's CM/ECF systems per Local Rule CV-5(a)(3). Any other counsel will be served by electronic mail, facsimile, overnight delivery and/or First Class Mail on this date.

/s/ Brian D. Ledahl

7	
---	--